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Case 7070

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Mail Stop AF, Commissioner for Patents, P.O. Box 1450,
Alexandria, Virginia 22313-1450 on June 17, 2004.

Laura L. Finkle 51370
Name of Attorney Reg. No.
Laura L. Finkle
Signature of Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Donn Nelson Rubingh et al. :
Serial No. 09/646,984 :
Confirmation No. 3865 : Group Art Unit 1652
Filed September 25, 2000 : Examiner W.W. Moore
For SERINE PROTEASE VARIANTS HAVING AMINO ACID DELETIONS AND
SUBSTITUTIONS

AMENDMENT AFTER FINAL OFFICE ACTION UNDER 37 CFR 51.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Dear Examiner:

INTRODUCTORY REMARKS

In response to the March 17, 2004 Office Action in the above-entitled application, please
amend the application as follows and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of
this paper.

Remarks/Response to Office Action begin on page 6 of this paper.

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Appl No. 09/646,984
Atty. Docket No. 7070
Amtd. Dated June 17, 2004
Reply to Office Action of March 17, 2004
Customer No. 27752

water-sensitive dermatological active agents or cosmetic active agents as preferred embodiments for personal care compositions. See column 16, line 64 to column 17, line 5. Therefore, Powell et al. teach away from Applicants' claimed invention by teaching only non-aqueous compositions.

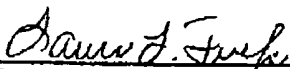
Furthermore, Powell et al. only teach the preparation of a personal care composition comprising subtilisin SP 544, while Bryan et al. specifically teach subtilisin deletion and modification. One skilled in the art would not be motivated to combine a reference teaching specific deletions and modifications of specific regions of different subtilisins with the Powell et al. general description of a personal care composition comprising subtilisin SP 544. Bryan et al. specifically teach altering amino acids in subtilisin BPN[®] to increase stability with metal chelators. Powell et al. teach that subtilisins can be used in personal care compositions, and there would be no motivation to combine that broad and general teaching with a reference teaching inhibition of proteolysis in an industrial environment.

Therefore, Applicants contend that a *prima facie* case of obviousness has not been established, and the claimed invention is not obvious in view of the cited references.

Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. WHEREFORE, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein and allowance of Claims 1, 2, 11, 14-16, 18, 20, 22, 24, 26, 27, and 29-34.

Respectfully submitted,
Donn Nelson Rubingh, et al.

By 
Laura L. Frieko
Attorney for Applicants
Registration No. 52,920
(513) 626-2721

June 17, 2004
Customer No. 27752